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MEMO ENDORSED

August 16, 2007

This facsimile consists of three (3) pages
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Honorable P. Kevin Castel, U.S.D.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 2260
New York, New York 10007

RE: NIPPONKOA INSURANCE COMPANY, LTD. v.
TOTAL TERMINALS INTERNATIONAL LLC
and TRANSBAY CONTAINER TERMINAL,
United States District Court
Southern District of New York
07 CIV 5637 (PKC)
Our file no.: 15/3426/A/07/6

Dear Judge Castel:

Our office represents defendant Transbay Container Terminals, Inc. (Transbay) in connection with this matter. This case is currently scheduled for a Preliminary Conference on September 7th, 2007 at 9:00 A.M. We are requesting the court schedule a Pre Motion Conference as required by Rule 2A of your individual practices at the same time.

*Proposed motion
will be addressed
at September 7
conference.*

S O R D E R E D

[Signature]
USPJ
8-22-07

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MAHONEY and KEANE

This case arises from cargo damage alleged to have resulted, at least in part, from the actions of Transbay. Transbay is a terminal operator located in Oakland, California. Another case arising from the same incident entitled Nipponkoa Express U.S.A. (Illinois), Inc. v. MV/CHANG JIANG BRIDGE and Yang Ming Transportation Corporation, 06 Civ 0694 is pending before your Honor. It is our understanding a motion has been made by the defendant Yang Ming Transportation to enforce a forum selection clause contained within the applicable bill of lading. It is further our understanding Yang Ming's motion is fully submitted and pending decision by the court.

We plan to move to dismiss this action against Transbay based upon a lack of in personam jurisdiction and in the alternative for a transfer of the case on the basis of *forum non conveniens* to the United States District Court for the Northern District of California at Oakland.


Our investigation to date indicates Transbay has no contacts with the State of New York or the Southern District of New York. In addition, all of the witnesses, documents and any other parties that may have some connection to this matter are in Oakland, California.

Your favorable consideration of this request that a Pre Motion Conference be scheduled along with the Preliminary Conference scheduled for September 7th, 2007 will be appreciated.

Respectfully submitted,

MAHONEY & KEANE, LLP

By:


Cornelius A. Mahoney

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